IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 541 OF 2005

IN

CONTEMPT PETITION NO.27 OF 2005

IN

WRIT PETITION NO.616 OF 2004

SITARAM SHANKAR MATE ... PETITIONER.

VS.

SLUM REHABILITATION
AUTHORITY & ORS. ... RESPONDENTS.

MR. P.R.NAIDU I/B. R.A.YADAV FOR THE
PETITIONER/APPLICANT.
MR. S.G.SURANA FOR RESPONDENT NO.1.
MS. P.N.GHALSASHI FOR RESPONDENT NO.3
NATAN MOILY I/B. D.S.SAKHALKAR FOR RESPONDENT NO.4.
MR. MILIND MORE AGP FOR RESPONDENT NO.5.

Coram : S.K.Shah, J.

Date : October 14, 2005.

P.C.:

1. This motion is taken out for restoration of the Contempt Petition, which was disposed of by Order dated 22nd July, 2005.

2. The grievance of the Petitioner is that he has

not been provided with the permanent alternate accommodation of the area of 225 square feet. The contempt petition came to be disposed of by the aforesaid Order, in view of the letter dated 8th July, 2005, issued by the SRA stating therein that the carpet area of 110 square feet has been allotted to the Petitioner and that was in compliance with the Order of the Division Bench of this Court.

3. The grievance of the Petitioner is that he is entitled to 225 square feet area, however, that assumption seems to be totally incorrect in view of the guide-line No. 5.1.3 of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. The guide-line reads as under :-

> "Built up area for commercial/office/shop economic activity up to 20.90 sq.m.(225 sq.ft.) carpet area or actual area whichever is less, shall be provided to the eligible person free of costs as part of the rehabilitation Project. Any area in excess of 20.90 sq.mt. to the extent of existing area may, if required, be sold on preferential basis at the rate of commercial area in the free sale component."

4. The area of 110 sq.ft. is allotted to the Petitioner on the ground that the petitioners shop No. 52/19/20 occupied by him was of that area and, therefore, equivalent carpet area was allotted to him by way of permanent accommodation as per the aforesaid

guide-lines.

5. The learned Counsel for the Petitioner submits that the shop occupied by the Petitioner was more than 225 sq.ft. area and therefore the petitioner is entitled to more area.

6. The learned Counsel for the Respondents states that the Petitioner can make an application to that effect and satisfy the Authorities so that the developer can allot the petitioner equivalent area accordingly.

7. With this statement nothing survives in the notice of motion. The notice of motion accordingly stands disposed of.

8. Ordinary Copy of this Order be supplied to the parties, duly authenticated by the Associate of this Court.

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[S.K.Shah , J.]